

James P. Laurick, OSB No. 821530
jlaurick@kilmerlaw.com
Kilmer, Voorhees & Laurick, P.C.
Attorneys at Law
732 NW 19th Avenue
Portland, Oregon 97209
Telephone: (503) 224-0055
Fax: (503) 222-5290

Attorneys for Defendant Twinstar Credit Union

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TOWER INSURANCE COMPANY OF
NEW YORK, a New York corporation,

Plaintiff,

v.

ROSE CITY AUTO GROUP, LLC, an
Oregon limited liability company;
LEONARD M. SHILEY, an individual;
TERESA BYLE, an individual; LOGAN
DRIEDRIC, an individual; JOANNA
STONER, an individual; STEPHEN
STONER, an individual; LOVE
MARTINO, an individual; ANAN
SRIVILAI, an individual; CAMERON
JOHNSON, an individual; JONATHAN
GILBERT, an individual; TINA HARRAL,
an individual; ROY WIEGAND, an
individual; NATHAN LANGER, an
individual; KAREN BERSINE, an
individual; MELISSA STEVENS, an
individual; TONY EDWARDS, an
individual; DEBBIE RECKTANGLE, an
individual; RODNEY JENKINS, an
individual; STEPHEN SCHANTIN, an
individual; BRITTANY LAWRENCE, an
individual; MATT REED, an individual;
SHERIAL REED, an individual; RACHEL
SCHANTIN, an individual; EZEKIAL
HUNT, an individual; BOBBY HEAGLE,
an individual; LANEY BLANKENSHIP, an

Case No. 3:14-cv-00975-MO

**DEFENDANT TWINSTAR CREDIT
UNION'S AMENDED AND
SUPPLEMENTAL RESPONSE TO
PLAINTIFF'S (AND WESTLAKE'S)
MOTION REGARDING RESOLUTION
OF CLAIMS AND FINAL
DISBURSEMENT OF FUNDS**

individual; LONNEY FRANCIS, an individual; OREGON COMMUNITY CREDIT UNION; an Oregon non-profit entity; TWINSTAR CREDIT UNION, a Washington non-profit corporation; LOBEL FINANCIAL CORPORATION, a California corporation; THE EQUITABLE FINANCE COMPANY, an Oregon corporation; UNITUS COMMUNITY CREDIT UNION, an Oregon non-profit entity; WESTLAKE FLOORING COMPANY LLC, dba WESTLAKE FLOORING SERVICES, a California limited liability company; and DOES 1-30,

Defendants.

Defendant Twinstar Credit Union (“Twinstar”) offers the following amendment to its response to Plaintiff’s Motion Regarding Resolution of Claims and Final Disbursement of Funds (“Motion”). Upon further investigation, Twinstar amends its claim against the proceeds of the bond to withdraw its claim for damages with respect to the 1999 VW Passat purchased by Logan D. Driedric and the 2000 Ford F150 purchased by Joanna L. and Steven P. Stoner. Twinstar’s amended claim is \$33,866.18.

Pursuant to prior order, \$27,829.58 is available to pay legitimate claims against the bond proceeds. Twinstar, Unitus Community Credit Union (“UCCU”) and Steven and Joanna Stoner (“Stoner”) have each filed valid claims on the bond. The total of these claims is \$52,806.91. Each claimant is entitled to its pro rata share of the proceeds based on the amount of its claim. Twinstar offers the following proposed distribution which accounts for its amended claim:

Claimant	Amount Claimed	% of Total Claim	Amount of Distribution
Twinstar	\$33,866.18	64.13%	\$17,847.11
UCCU	\$17,976.23	34.04%	\$ 9,473.19
Stoner	\$ 964.50	1.83%	\$ 509.28

Furthermore, upon further discussion with Westlake, it appears that Westlake currently holds only one title to a vehicle financed by Twinstar, a 2003 Mitsubishi Montero. Twinstar believes said vehicle is not recoverable. In light of the foregoing, and Westlake’s amended

claim, Twinstar withdraws its argument regarding Westlake holding vehicle titles and its position that Westlake must immediately turn over vehicle titles in order to proceed with its claim.

Notwithstanding, Twinstar's position remains that Westlake is not entitled to any of the bond proceeds pursuant to ORS 822.045(2) and *Brasher's Cascade Auto Auction, Inc. v. Leon*, 247 Or. App. 535, 542, 270 P.3d 330, 334 (2011).

Should the Court determine that Westlake has a valid claim on the bond, the total of all claims amounts to \$71,724.96. Below is a proposed distribution accounting for all claims:

Claimant	Amount Claimed	% of Total Claim	Amount of Distribution
Twinstar	\$33,866.18	47.2%	\$13,135.56
UCCU	\$17,976.23	25.1%	\$ 6,985.22
Stoner	\$ 964.50	1.3%	\$ 361.78
Westlake	\$18,918.05	26.4%	\$ 7,347.01

DATED this 25th day of March, 2015.

KILMER VOORHEES & LAURICK, P.C.

/s/ James P. Laurick

James P. Laurick, OSB No. 821530

jlaurick@kilmerlaw.com

Alisa D. Hardy, OSB No. 105886

ahardy@kilmerlaw.com

732 NW 19th Avenue

Portland, OR 97209

Phone No.: (503) 224-0055

Fax No.: (503) 222-5290

Of Attorneys for Defendant Twinstar Credit Union

I:\10250\0001\Pleadings\Amended Response.docx